

## Can Lincoln University be Recognized as a State Normal School under the Act of 1857 and its Supplements, and the Act of 1874?

Letter of the Superintendent of Common Schools to the Attorney General.

SCHOOL DEPARTMENT,  
HARRISBURG, October 20, 1874. }

HON. SAMUEL E. DIMMICK,

*Attorney General:*

DEAR SIR:—I beg leave to submit the following question for your consideration, and respectfully solicit your opinion upon it at your earliest convenience: *Can Lincoln University be recognized as a State Normal school under the act of 1857 and its supplements, and the Act of 1874?*

The facts of the case are briefly as follows:

1. An Act, entitled "An Act to provide for the training of teachers for the common schools of the State," became a law on the 20th day of May, 1857. (P. L. 581.) This law, among other things, provides that the State shall be divided into twelve Normal School districts; that citizens of the State may erect and establish in each district a Normal school for the professional training of young men and women as teachers, and that no district shall be entitled to more than one school. It defines in detail the requisites of the Normal schools established under the act, and the regulations according to which they shall be conducted. The first district is composed of the counties of Delaware, Chester, Bucks and Montgomery; and a Normal school was duly established therein, at West Chester, in the year 1871.

2. At a stated meeting of the Presbytery of New Castle, held on the 5th day of October, 1854, it was determined that "There shall be established within our bounds, and under our supervision, an institution, to be called the Ashmun Institute, for the scientific, classical and theological education of colored youth of the male sex." This determination was carried into effect, and the institution was established at or near a place called Hinsonville, in the county of Chester. The act of incorporation was approved by the Governor on the 29th day of April, 1854. (P. L. 531.) A supplement to this act changing the name of the institution to Lincoln University, enlarging the board of trustees and authorizing the conferring of degrees,

was approved on the 4th day of April, 1866. (P. L. 452.) A further supplement to the same act, approved on the 18th day of February, 1871, (P. L. 106,) repeals all that refers to the supervision of the Presbytery of New Castle in the affairs of the University, and confers the powers thus taken away upon the board of trustees, who were authorized to fill all vacancies in their body created by expiration of term or otherwise.

The following statement from the recently published catalogue of the University will show its general condition as to buildings and finances :

There are four university buildings. *University Hall* contains the chapel, in the second story, 70 feet by 40 feet inside, and four recitation rooms in the first story for the collegiate and theological classes. It is built of serpentine stone, trimmed with Port Deposit granite, and finished with Carolina pine. This hall is one wing of the building which, when finished, will supply accommodations for the whole work of instruction. About \$50,000 are urgently needed to finish the building.

*Cresson Hall* contains accommodations for 80 students, for three boarding clubs, and the chemical laboratory. It is built of brick, is 100 feet by 36, and is three stories high.

*Lincoln Hall* is 60 feet square, and four stories high. It contains dormitories for 95 students, the society halls, the library, and the janitor's apartments.

*Ashmun Hall* was built in 1857. It is of brick, three stories high, and is 50 feet long, by 40 wide. It contains dormitories for 32 students, and the recitation rooms for the preparatory department. This building is very much out of repair. About \$3,000 are needed to put it in good condition.

Besides the public buildings there are four substantial and convenient residences for the professors. The whole real estate of the University is worth not less than \$125,000. The buildings are erected on a plot of ground of about 80 acres. The hill, on which the University is situated, is capable of being tastefully laid out. But in the immediate vicinity of the buildings the expense of grading must be first incurred. The students would gratuitously set the trees and keep the grounds in order if this heavy work could be finished. Any person in sympathy with the object of this institution, and appreciating this necessity, would confer on it a great benefit by making a *special* contribution for this purpose.

Four professorships are endowed in the University, of \$20,000 each: The Mary Warder Dickey Presidency, the Avery Professorship of Lincoln University, the John C. Baldwin Professorship of Theology, and the William E. Dodge Professorship of Sacred Rhetoric.

Subscriptions to the amount of \$18,500 have been obtained to found a Barnes Professorship on condition of the valid subscription of \$25,000 to complete the design.

There are eight invested Scholarships for the support of students:

The John Dunlap Scholarship .....	\$2, 800 00
The William M. Lloyd Scholarship.....	2, 500 00
The One Blood Scholarship .....	2, 000 00
The Nelson Scholarship .....	2, 500 00
The Clapp Nos. 1 and 2 Scholarship.....	4, 000 00
The Westfield Scholarship.....	300 00
The Scholarship Fund .....	200 00

The entire property of the University at the present time is not less than \$220,000.

The University is growing in popular favor. The applications for admission show that another edifice for students could immediately be filled. An appeal is therefore made to the friends and patrons of this University to take advantage of the present opportunity, to diffuse more widely the christian education and influence of this institution.

The following statement of wants is made for the information of those who design to aid the University in the prosecution of its work :

Salaries of professors not provided for by endowment .....	\$3, 200 00
To complete the Barnes Professorship .....	6, 500 00
To build a professor's house.....	5, 000 00
To make necessary repairs .....	4, 000 00
To grade the grounds .....	250 00
To erect a building for dormitories .....	20, 000 00
To complete University Hall.....	50, 000 00
To develop the medical department in Philadelphia.....	6, 500 00
To develop the law department at West Chester.....	1, 000 00
To provide accommodations for the boarding clubs.....	4, 000 00

The number of students in all the departments at Lincoln University during the past year was 160, of whom 38 were from Pennsylvania and the rest from other States and countries.

Lincoln University has made the preparation of teachers one of its objects ever since its foundation. A normal department was formally organized in 1867. On this ground the State since 1867 has made appropriations as follows: For buildings, &c., \$12,500; for library and apparatus, \$6,467, and in aid of students, \$6,274 92, amounting altogether to \$25,241 92. The continuation of these appropriations was found to be contrary to certain provisions in the new Constitution, and hence the effort the institution is making to be recognized as a State Normal school.

3. The Legislature, at its last session, passed an act, "To recognize Lincoln University, located in Chester county, as an additional State Normal school." For the sake of convenience I quote the act entire:

#### AN ACT

To recognize Lincoln University, located in Chester county, as an additional State Normal school.

SECTION 1. *Be it enacted, &c.*, That in addition to the twelve Normal schools already established by law, Lincoln University, located in Chester county, be recognized as an additional Normal school.

SECTION 2. Whenever in the judgment of the Superintendent of Common Schools, and of a committee of inspection appointed as under the act of assembly, approved May twentieth, eighteen hundred and fifty-seven, a school applying to be recognized as a Normal school under this act shall come sufficiently up to the requirements of the act of May twentieth, eighteen hundred and fifty-seven, and its supplements, in the possession of buildings, library, apparatus and professors, as to provide for the full and thorough training of teachers necessary for the schools, they shall certify the same to the department of common schools, then such school shall, upon the usual notice, be recognized as a Normal school, subject to the regulations, and entitled to the benefits and privileges of other Normal schools established by law.

APPROVED—The 11th day of May, 1874.

4. Under the act recognizing Lincoln University as an additional Normal school, the trustees of that institution made application to the Superintendent of Common Schools for the appointment of a committee of inspection in the following communication:

LINCOLN UNIVERSITY, CHESTER COUNTY, PA., }  
June 17, 1874. }

HON. J. P. WICKERSHAM,

*Superintendent of Common Schools:*

SIR:—The subscribers, trustees of Lincoln University, in the township of Lower Oxford, in the county of Chester, respectfully represent that we, as trustees, as aforesaid, in association with a number of citizens of this State exceeding thirteen, have erected and established a school for the professional training of young men and women as teachers; and desire to have the same inspected by a committee appointed under the "Act of Assembly," approved May 20, 1857, with the design of having the institution recognized as a State Normal school, under the name and title of Lincoln University and State Normal School.

#### NAMES OF TRUSTEES.

JOHN M. DICKEY,  
B. B. HOTCKIN,  
THOS. M'CAULEY,  
CALVIN M. STEWART,  
N. G. PARKE,  
SAMUEL DICKEY,

ANDREW B. CROSS,  
ALEX. WHILLDIN,  
I. S. HELFENSTEIN,  
J. W. DANA,  
J. N. RENDALL.



5. The committee asked for was duly appointed, attended to the duty imposed upon them, and in due time forwarded to the School Department the following report :

#### REPORT:

LINCOLN UNIVERSITY, *Sept. 25, 1874.*

WHEREAS, Lincoln University has made formal application to the Department of Common Schools for the appointment of a committee to examine its claims to be recognized as an additional Normal school, according to the provisions of an act to provide for the due training of teachers for the common schools of the State, approved the 20th day of May, 1857, and an act approved the 11th day of May, 1874:

*And whereas,* The undersigned being duly appointed and authorized under said acts, have personally and at the same time, on the 25th day of September, 1874, visited and carefully inspected said school, and made a careful examination thereof, we therefore make report: That Lincoln University comes "sufficiently up to the requirements of the act of May 20, 1857, and its supplements, in the possession of buildings, library, apparatus and professors as to provide for the full and thorough training of teachers necessary for the schools;" and we hereby certify the same to the Department of Common Schools.

J. M. BROOMALL, HENRY CARTER, R. T. CORNWELL, WM. HOWARD DAY,	} Committee.
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We concur in the above report.

A. A. MEADER, Superintendent of Chester City.  
H. F. PIERCE, Superintendent of Chester County.  
JOS. K. GOTWALS, Superintend't of Norristown.  
JAMES W. BAKER, Sup't of Delaware County.  
HUGH B. EASTBURN, Sup't of Bucks County.

It is to be remarked that the committee of inspection carefully avoid in their report above given, expressing an opinion as to the ability of Lincoln University to comply in all respects with the conditions prescribed by law for the ordering and governing of State Normal schools. They limit themselves to an affirmative judgment so far as "buildings, library, apparatus and professors" are concerned; but do not pronounce as has always been customary with such committees that the institution is "entitled to recognition as a State Normal school." They were well aware of the difficulties in the way, but finally concluded that under the act these should be dealt with by the School Department and the proper Law Officers of the Commonwealth. The Superintendent of Common Schools will sign the report or refuse to sign it when his legal responsibilities in the matter shall have been ascertained.

6. The act of 1874 makes the authority of the Superintendent of Common Schools co-ordinate with that of the committee of inspection, and in case his judgment coincides with theirs in approving the sufficiency of the institution for recognition as a State Normal school, he is required to publish the usual official notice recognizing it "as a Normal school, subject to the regulations, and entitled to the benefits and privileges of other Normal schools established by law." For the reasons herein given this duty has not yet been performed.

From this statement of facts the approach is easy to the question submitted for your opinion, viz. : *Can I, as Superintendent of Common Schools,*

*under the acts of 1857 and 1874, concur in the report of the committee and recognize Lincoln University as a State Normal school, knowing that in several important respects the powers granted by its charter are incompatible with those held by the Normal schools, and that its authorities are both unable and unwilling to make it conform to "the regulations" according to which these schools are managed?*

In seeking an answer to this question two things must be admitted :

1. If Lincoln University would consent to give up all chartered rights and privileges not possessed under the law by the State Normal schools, and to have its acts of incorporation so amended ; and would make its management conform to "the regulations" of the Normal schools, there can be no doubt that it would thereupon be entitled to the recognition it seeks under the act of 1874, as a State Normal school. But this the authorities of the University are unwilling to do at any time, and of course are unable to do until the necessary legislation can be procured. What they want is to retain all their University powers and privileges, and add to them those of the Normal schools. The query is, will the two coalesce under the law ?

2. If the Legislature meant by the act of 1874 to constitute Lincoln University under its present charter and without change in its management a State Normal school absolutely, the appointment of a committee of inspection and all other acts and forms concerning the matter are a superfluity. Under such an interpretation of the law Lincoln University was a State Normal school from the date of the approval of the act. But can such an interpretation be the correct one ? Does not the first section, even taken by itself, simply mean that Lincoln University may *change* to a Normal school ? for it cannot *be* a Normal school without a change. And must not the two sections be construed together ? Does not the expression "of a school applying to be recognized as a Normal school under *this* act," prove the connection beyond a possibility of doubt ? The authorities of Lincoln University have not claimed that the institution is a State Normal school by direct enactment of the Legislature. Their action in asking for a committee of inspection shows that they understood the matter differently ; but the question concerning the proper interpretation of the act in this respect may hereafter become a material one. You will know what weight, if any, is to be attached to it.

In order to show the incompatibility between the chartered powers and privileges of Lincoln University and those possessed under the statute by the State Normal schools, and the want of conformity in "the regulations" that control their management respectively, I present for your convenient reference the following contrasts :

1. Lincoln University, by its act of incorporation, is "an institution of learning for the scientific and theological education of colored youth of

the male sex." Our Normal schools, like the common schools, are open to both sexes and all colors.

2. The board of trustees of Lincoln University consists of twenty-one members, seven of whom at present reside in other States. It is a self-perpetuating body, all vacancies including those occurring by expiration of term being filled by the remaining members. The boards of trustees of the Normal schools do not consist of more than eighteen members, citizens of the State, a part elected annually by the stockholders or contributors and the rest appointed by the Superintendent of Common Schools.

3. Lincoln is a university with academic, law, medical and theological departments, and power to confer "all such literary degrees and academic honors and titles as are usually conferred by university corporations." A State Normal school is an institution established under the act of 1857, "for the professional training of young men and women as teachers for the common schools of the State." It has its own peculiar degrees and diplomas and can confer no other. Can the State under the cover of its Normal school policy undertake the work of educating lawyers, doctors and clergymen?

4. The catalogue of Lincoln University for 1873-4, under the head of "Ecclesiastical Relation" has the following paragraph: "By its charter the theological department of Lincoln University is placed under the care of the general assembly of the Presbyterian church, in accordance with the general plan adopted for the supervision of theological seminaries. At its meeting in Chicago, May, 1871, the general assembly accepted the oversight of the theological department of Lincoln University as provided in the charter, and approved the appointments and proceedings of the board of trustees as reported at that time. By the laws of Lincoln University any action of the board of trustees affecting the theological department is reported to the general assembly, and the faculty of theology is directed annually to prepare and send to the general assembly a report of their work in instruction, and of all matters of interest respecting the theological department." For the Normal schools it is provided that "no religious, test or qualification shall be required to entitle any one to become a contributor, stockholder, trustee, professor or student in any of said schools." Is it possible to reconcile these wide differences in a State institution? Can church and State be thus connected under our Constitution and laws?

5. The course of study at Lincoln University embraces full university studies for all the departments, and is fixed by the trustees and faculty. The course of study at the Normal schools is agreed upon by a board of principals, comprehends only such branches as are necessary in the work of preparing teachers, and is the same for all the schools.



Conformity with "the regulations" of the Normal schools would require other minor changes in the management of Lincoln University, but it is unnecessary to name them here. The differences already pointed out concern the vital parts of the two organizations, and they, or nothing, will settle the question now submitted, "*whether Lincoln University, under its present charter and with its present relations, can be recognized as a State Normal school, in the language of the act of 1874, "subject to the regulations, and entitled to the benefits and privileges of other Normal schools established by law?"*" If the institution will cease to be a University and become a Normal school proper, all question as to its right to recognition will be at an end.

If Lincoln University as it is *can* be recognized as a State Normal school, I desire to inquire further: whether any part of the State appropriation to Normal schools can be given to it, under the act making appropriations to Normal schools, passed subsequent to the act in relation to the recognition of Lincoln University? This act, as you are aware, provides (P. L. 155,) "that the board of trustees of each school accepting its allotment of the appropriation now made, shall hereafter be composed of a number of members not exceeding eighteen, to be elected by the stockholders, as now provided by law, and appointed under the provisions of the act approved the 15th day of February, 1872, in the proportion as nearly as may be practicable to the amounts of money each school has received from private sources and from the State, respectively." Lincoln University cannot comply with this provision without first securing an amendment permitting the change in its act of incorporation. It cannot even attach Normal school to its corporate name, Lincoln University, making it "Lincoln University and State Normal school," as the trustees propose to do in their application for recognition, without the passage of an act authorizing the change.

And it is also to the same purpose to inquire if Lincoln University as Lincoln University could not obtain an appropriation from the State under section 18, of the new Constitution—whether "Lincoln University and State Normal School," without any change except in name, can do so as a Normal school? And if this result is constitutionally obtainable by Lincoln University, can the same thing be done by the University of Pennsylvania, Lafayette College, and the other higher institutions of learning in the State? The answer to this question, I need not say, is fraught with the most important consequences both to our colleges and our Normal schools.

Confident that all I have submitted will receive the most careful consideration at your hands, I am,

Very respectfully,

Your obedient servant,

J. P. WICKERSHAM,  
*Superintendent Common Schools.*

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